

---

ACTS  
OF THE  
THIRTIETH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW-JERSEY.

---

SECOND SITTING.

---

CHAP. CLXXXV.

An act to erect and set off a new township from the townships of Hanover and Morris, in the county of Morris.

SEC. 1. **BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all the district of the above townships of Hanover and Morris, included within the following limits, viz. **Bounds,** beginning at a pin oak tree, standing on the bank of Passaic river, on lands of Robert Moore's, near the corner of Moses Stiles, about half a mile above Col. Cook's bridge, and running thence, south eighty nine degrees west, to a cherry tree in the northwest corner of the garden, late the property of Dr. Bern Budd, deceased; thence in a direct line to the cross roads by Daniel Crane's on Loantica hill; from thence south, eighteen degrees west, forty-seven chains and fifty links to a stake and heap of stones on the brow of the hill back of Zophar Freeman's house, from thence south, five de-

fifty years; from the passing of this act, repay the proprietors of said road, the amount of the sums expended thereon, with twelve per centum per annum in addition thereto, deducting the neat amount of toll received, and in that case the said road shall become the property of the state of New-Jersey, and be under the controul of the legislature thereof, any thing in this act contained to the contrary notwithstanding.

A. Passed at Trenton, February 24, 1806.

## CHAP. CLXXXVII.

An act for establishing and conducting the military force of New-Jersey.

SEC. 1. **BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That every free able bodied white male inhabitant of this state, who is, or shall be of the age of eighteen years, and under the age of forty-five years, (except ministers of the gospel, the vice-president of the United States; the officers judicial and executive of the government of the United States; the members of both houses of congress, and their respective officers; all custom house officers, with their clerks; all post officers and stage-drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall re-

Who shall  
and

who shall  
not

be enroll-  
ed,

side, *Provided always*, That in cases of doubt respecting the age of any person enrolled, or intended to be enrolled, the party questioned shall prove his age to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them.

SEC. 2. *And be it enacted*, That the militia in the several counties of this state, except Cape-May, shall form each a brigade, to be called after their respective counties. The militia in the county of Cape-May, shall be annexed and belong to the Cumberland brigade; the Burlington, Gloucester, Salem and Cumberland brigades, shall compose the first division; the Bergen, Essex and Morris brigades, shall compose the second division; the Somerset, Middlesex and Monmouth brigades, shall compose the third division; the Hunterdon and Sussex brigades, shall compose the fourth division; and the several regiments, independent battalions, battalions, squadrons and companies of infantry, light infantry, grenadiers, artillery and cavalry, shall continue as at present arranged; subject nevertheless to such alterations and arrangements of the regiments, battalions, squadrons and companies as their present numbers, or future increase or diminution may in the judgment of the board of general and field officers of the several brigades, to which they respectively belong, from time to time render necessary or expedient, by forming such company or companies, and attaching them to such battalions and regiments as are already organized or may be formed and organized in their several brigades, as the said board of general and field officers shall order and direct for the interest and convenience of the militia of the brigade, and the general and field officers who are constituted a board for divers purposes mentioned in this act, shall meet as soon as they can be convened, to make as well as the necessary arrangements contemplated in this section, as for other duties by this act enjoined on the said board for the improvement and conducting of the militia.

Each county to form a brigade & arranged in four divisions;

New companies, battalions and regiments, may be organized by the board of general and field officers.

Sec. 3. *And be it enacted*, That the present officers of the militia of this state, shall continue and exercise the several ranks and commissions which they now respectively hold. Vacancies by death, removal, resignation or otherwise, shall be filled up, so that the militia shall be officered as follows: to each division there shall be one major-general and two aids-de-camp, with the rank of a major; to each brigade one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of major, one brigade or senior surgeon, one brigade-judge-advocate, one brigade-paymaster and one brigade-quartermaster; one adjutant-general, with the rank of brigadier-general; to each regiment, one lieutenant-colonel-commandant; and to each battalion and squadron, one major; to each company of infantry, light-infantry and grenadiers, one captain, one lieutenant and one ensign, one clerk, four serjeants, four corporals, one drummer, one fifer or bugler, and not more than sixty-four, nor less than forty private individuals, or as near as may be, having regard to their local situation; to each troop of horse, there shall be one captain, two lieutenants and one cornet, one clerk, four serjeants, four corporals, one saddler, one farrier and one trumpeter, and not more than forty-eight nor less than thirty-two troopers; to each company of artillery, there shall be one captain and two lieutenants, one clerk, four serjeants, four corporals, six gunners, six bombardiers, one drummer, one fifer, and not more than thirty-two nor less than twenty matrosses. There shall be a regimental-staff, to consist of one adjutant and one quartermaster, to rank as lieutenants, one paymaster to each battalion, one surgeon and one surgeon's-mate, one serjeant-major, one drum-major and one fife-major. All officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regi-

Officers of  
divisions,  
brigades,  
regiments,  
battalions,  
companies  
continued.

Cavalry.

Artillery.

Staff how  
appointed  
and com-  
missioned.

ment; battalion, company or detachment. The regimental-staff except the paymasters shall be appointed by the field-officers. The brigade and regimental-staff shall be commissioned by the commander-in chief, on certificates of their appointment, under the hands and seals of the officers making the same: *And further*, There shall be one adjutant and one quarter-master to each squadron of cavalry and each independent battalion; the non-commissioned officers and music to be appointed by the captain and subalterns; the clerk to be elected by the company, and in case of omission to elect, or in case of refusal to act, sickness or absence, the captain or commanding officer of the company shall appoint a suitable person, who shall undertake to perform the duties enjoined by this act.

If a clerk  
is not elect-  
ed, captain  
to appoint.

SEC. 4. *And be it enacted*, That each and every officer commissioned, or who may hereafter be appointed and commissioned in the manner aforesaid, shall, previous to their entering on the execution of their respective offices, give assurance of fidelity and attachment to the government of this state, by taking and subscribing the following oath before some general or field officer of the brigade :

Officers  
commis-  
sioned, and  
hereafter  
to take oath  
before gen-  
eral or field  
officer.

I do sincerely profess and swear (or affirm as the case may be) that I will and do bear true faith and allegiance to the government established in this state, under the authority of the people; and will with integrity execute the office of of the militia of New-Jersey according to the best of my abilities: so help me God.

And a certificate thereof shall be made upon the back of every commission by the general or field officer, before whom the said oath or affirmation shall have been taken and subscribed.

SEC. 5. *And be it enacted*, That the commanding officer of every regiment and independent battalion and squadron, shall call a meeting of the commissioned officers of their respective regiments, independent battalions and squadrons at such times and

To meet for  
improve-  
ment.

placed as he shall appoint for improvement in military exercise which shall be at least twice and not exceeding four times in every year.

Militia to  
train once in  
companies,  
battalions  
and regi-  
ments.

SEC. 6. *And be it enacted*, That the militia of this state shall rendezvous three times in every year for the purpose of training, disciplining and improving in martial exercise, once by companies within their respective bounds, once by battalions within the bounds thereof, and once by regiments, independent battalions and squadrons for exercise, inspection and review: that the brigadier general or commanding officer of each brigade, shall appoint the regimental parades, at such time and place as he may think proper, as nearly central as may be within each of the respective regiments and independent battalions: that the time and place of the rendezvous for the battalions and companies, shall be appointed by the colonel or commanding officer of the regiment, independent battalion, or squadron on different days, that the field and staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline: the brigade inspector shall give twenty days notice of the regimental muster and inspection by advertisements in five of the most public places within the limits of every regiment and independent battalion: the adjutants of the several regiments and independent battalions shall advertise and give at least ten days notice of the battalion and company meetings, by advertisements set up in at least two places within the bounds of each company.

Time and  
place to be  
appointed  
and notice  
given by  
advertisements,

Cavalry &  
artillery at-  
tached to  
regiments &  
battalions.

SEC. 7. *And be it enacted*, That every troop of horse or company of cavalry and artillery, shall be considered as being attached to the regiment or independent battalion, within the bounds of which the major part of the company was raised, and shall assemble for inspection at such time and place and in such manner as the brigadier-general or commanding officer of the brigade shall order and direct. It shall be the duty of the clerks of the companies of cavalry and artillery to make a return of

all delinquents in their respective companies, in the same manner as the clerks of infantry companies are by law directed.

SEC. 8. *And be it enacted*, That the fines for non-attendance on days of exercise shall be as follows : on a brigadier-general and on a field-officer, the sum of ten dollars per day ; on every other commissioned officer six dollars per day, and on every non-commissioned officer and private one dollar per day ; and the same fines shall be respectively paid by every officer, non-commissioned officer and private, who shall leave the parade or absent himself from his regiment, battalion, squadron, troop or company, without leave of the commanding officer, before the said regiment, battalion, squadron, troop or company shall be discharged ; and if any militia man shall appear on parade without a musket or firelock, or if any trooper shall appear without his sword or pistols, he shall forfeit and pay fifty cents, and for want of other accoutrements, shall forfeit and pay six cents for each and every article so deficient : *Provided*, That no militia man shall be liable to such fines, who, in the opinion of the battalion court of appeals created by this act may be deemed unable to procure arms or accoutrements or either of them.

*Fines of officers and privates for non-attendance and for want of arms &c.*

SEC. 9. *And be it enacted*, That in order to ascertain those persons, who, by their absence on days of exercise, or for deficiency in arms or equipments, shall be liable to the fines and forfeitures of this act, the clerk of the troop or company shall on every such day, in the presence of the captain or commanding officer of the troop or company, and by his order, one hour after the time appointed for the meeting of the troop, company, independent battalion, battalion, squadron or regiment, and also after the exercise is over, and before the men are discharged, call over the roll of the troop or company, noting those who are absent ; and also those who are deficient for want of arms or equipments and of each and every article so deficient, and within ten days after every meeting of the company, the said clerk

*System of collection of fines.*

*Clerk to call the roll on days of exercise & make return under oath.*

shall make return thereof to the brigade-judge-advocate, who or some justice of the peace, shall administer to him the following oath:

I clerk of the company  
 commanded by in the  
 brigade of the militia in the town of  
 do swear (or affirm) that this enrollment  
 contains a return of the names of the said  
 company between the ages of eighteen and  
 forty-five years made to the best of my in-  
 formation, knowledge and belief; and those  
 persons whose names are noted absent, did  
 not parade with and answer at the roll calls  
 of the company on the day of  
 and that the deficiencies in  
 arms and equipments are truly marked op-  
 posite the name of every delinquent; so  
 help me God.

And which said return the brigade-judge-advocate shall lay before the court of appeals as evidence of the fines incurred by delinquents.

SEC. 10. *And be it enacted*, That if the clerk of any company shall neglect or refuse to perform the duties required by this act, he shall be fined at the discretion of the court of appeals in any sum not exceeding one hundred dollars, to be recovered by the battalion-paymaster, who shall prosecute for and pay the same to the brigade-paymaster.

Court of appeals formed of representatives of companies to hear excuses of delinquents & ascertain fines incurred.

SEC. 11. *And be it enacted,* That the several companies of infantry, artillery and cavalry, at their first meeting in every year, shall elect by ballot, and in case of neglect of such election the commandant of the company shall appoint some discreet enrolled private who bears arms and exercises with the company, to be a representative of the company at the court of appeals; which shall be composed of the said representatives of the several companies in the respective battalions, and who or at least three of them are hereby vested with full power and authority to hear and decide upon the excuses of all persons returned as delinquents by the respective



clerks of the companies within the bounds of their battalions for non-attendance at roll call, and for deficiency of arms and equipments and to assess and ascertain the fines incurred by the officers, clerks, non-commissioned officers and privates of the several companies within the bounds of the battalion, and also to allow the compensation which shall be made to the company clerks for the performance of the duties prescribed in this act; the members of said court shall each receive one dollar and fifty cents per day for their attendance at the said court of appeals to be paid by the battalion-paymaster on the certificate of the brigade-judge-advocate or person who shall officiate as such at the court of appeals. The captain or commanding officer of every company shall give to the private elected or appointed to represent said company in the court of appeals, a certificate of his election or appointment given under his hand and seal; and on his producing such certificate, the brigade-judge-advocate shall administer to him the oath prescribed in the thirteenth section of this act. And if any of the members of the said court of appeal shall neglect or refuse to attend at the time and place as advertised by the brigade-judge-advocate for holding such court of appeals, they shall forfeit and pay the sum of ten dollars, to be sued for and recovered with costs of suit before any justice of the peace of the county where such offender resides, by the battalion-paymaster, and when recovered, to be by him paid to the brigade-paymaster: *Provided*, That such offender may appeal to the board of general and field officers established by this act, who, on a reasonable excuse given may remit such fine.

SEC. 12. *And be it enacted*, That the board of general and field officers of the several brigades shall appoint the days and place of the meeting of the said several courts of appeal as nearly central to each battalion as may be, and within thirty days after the annual review and inspection of the several regiments and independent battalions, and in such manner as the brigade-judge-advocate may attend the respective

Compensation of clerk, &c.

Time and place of meeting appointed by general and field officers.

Clerk to  
advertise  
court of  
appeals.

battalion courts of appeal; and the brigade-judge-advocate shall give notice of the meeting of said battalion courts of appeal to the several clerks of companies within the brigade, and in case of the death, sickness, removal or refusal to act, of any of the company clerks, to the captain or commanding officer of the company, who shall thereupon immediately appoint a suitable person to do the duty of company clerk; and which said company clerks shall thereupon give at least ten days notice by setting up in three of the most public places in the bounds of the company, and advertisement which shall as near as circumstances will admit, be in the following form to wit:

Form of  
notice to  
delin-  
quents.

Notice is given to \_\_\_\_\_ and \_\_\_\_\_ who have been returned for non-attendance on the \_\_\_\_\_ days of \_\_\_\_\_ at the militia roll call of captain \_\_\_\_\_ company, in the township of \_\_\_\_\_: and notice is also given to \_\_\_\_\_ and \_\_\_\_\_ returned for deficiencies in military equipments, that the battalion court of appeals will meet at ten o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ at the house of \_\_\_\_\_ to hear and decide upon the excuses, if any they have, for non performance of military duty and for deficiencies in military equipments for which they are severally liable to be fined according to the directions of the militia law of this state.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

*Clerk of said company.*

Court of  
appeals.

SEC. 13. *And be it enacted*, That the members of every court of appeals shall assemble at the time and place so advertised, and before proceeding to business shall take the following oath or affirmation:

Oath.

I \_\_\_\_\_ do swear (or affirm) that I will perform the duties of a member of this battalion court of appeals, according to the true intent and meaning of the militia law of this state, according to the best of my skill and understanding without favour, affection or partiality: so help me God.

Which shall be administered by the brigade-judge advocate or, in case of his non attendance by the person who shall be appointed by the said battalion court of appeals to officiate in his room, and the person so appointed shall take the following oath or affirmation to be administered by any member of the said court:

I do swear (or affirm) that I will perform the duties of judge advocate of this battalion court of appeals according to the best of my skill and understanding; so help me God. Also of Judge-advocate.

The said battalion court of appeals shall consist of at least three representatives of companies and shall appoint one of their members to preside; they shall have power to administer oaths to witnesses, and to hear and decide upon the application of the persons advertised as delinquents and they are hereby required and enjoined to attend to every just complaint of excuse, whether of age or arising from persons being unable to procure arms or equipments, from inability of body or insanity of mind. Their power. Excuses.

SEC. 14. *And be it enacted*, That in order, that due respect and decorum may be observed, the said battalion court of appeals, shall have power and authority and they are hereby authorized to fine any person not exceeding ten dollars, who shall misbehave, insult or disturb the said court in the exercise of their duty to be collected and paid to the battalion paymaster by prosecution before a justice of the peace, who shall issue execution against the offender upon a certificate of the judge advocate. To preserve order may fine.

SEC. 15. *And be it enacted*, That the said brigade judge advocate and whoever shall officiate in that capacity shall keep a record of the proceedings of the several battalion courts of appeal, from whose decision, no appeal shall be had, nor any certiorari allowed to reverse their proceedings. Each brigade judge advocate shall deliver over to his successor the records and all the proceedings of the battalion courts of appeal in the brigade. No certiorari to reverse their proceedings.

546

**SEC. 16.** *And be it enacted,* That all fines and forfeitures which shall be incurred and assessed by the said court of appeals on persons made liable by this act, shall be returned and paid into the hands of the paymaster of the battalion from which such fines and forfeitures may be due. That the brigade judge-advocate (or person who shall have officiated in that capacity) shall within ten days after every battalion court of appeals, transmit a certified copy of the names of the persons fined by the said battalion court of appeals, with the amount of fines, to the brigade paymaster, who shall charge the battalion with the amount thereof; and also a fair certified copy to the battalion paymaster, who shall immediately upon the reception thereof, set up an advertisement in at least one of the most public places within the bounds of each company of the battalion, as follows :

Fines to be paid to battalion paymaster, who is to give notice to pay in twenty days.

Notice is hereby given, that the court of appeals of the                      battalion, commanded by Major                      , have decided that fines have been incurred agreeably to law for neglect of militia duty and equipments by the several persons and of the several sums opposite the respective names following, to wit :

A. B.

Dolls. Cts.

— —

C. D.

— —

And if the said sums shall not be paid to the subscriber, paymaster of the said battalion, in twenty days from the date hereof, execution will be issued against those persons who shall neglect to make payment conformably to the militia law of New-Jersey.

Dated the                      day of                      18

*Paymaster of said battalion.*

**SEC. 17.** *And be it enacted,* That the battalion paymaster shall, on the list of delinquents returned to him by the judge-advocate opposite the names of those persons who shall discharge their fines, write "paid and discharged;" and immediately after the expiration of the said twenty days, the said battalion paymaster shall deliver the said return list of delin-

If not paid execution to issue and returned to

quents, of fines assessed by the said battalion court of appeals, to a justice of the peace, who is required forthwith to issue execution against the persons named in the said return list, (opposite whose names shall not be written as aforesaid "paid and discharged.") for the sums annexed to their respective names, with costs, as in cases of taxation, directed to one of the constables residing within the bounds of the battalion, and if there be no constable within such bounds, then to any constable of the county; who is required to levy the same of the goods and chattels of the respective delinquents, and to pay the several sums contained in the said execution within thirty days to the said battalion paymaster, to whom the said delinquents belong: and for want of goods and chattels, to take the bodies of the delinquents, and commit to the gaol of the county, there to be kept until the fines and costs shall be paid. *Provided nevertheless*, that the board of general and field officers of the brigade, or any three of them, the commanding officer of the regiment, battalion or squadron to which he belongs being one, upon being satisfied by the oath or affirmation of the delinquent committed to gaol, or otherwise, that the delinquent so committed, is unable to pay, may grant a supersedeas to release and discharge such poor person from confinement. The form of the execution shall as near as may be, be as follows:

battalion  
paymaster  
in thirty if  
days and  
no goods  
to commit  
delin-  
quents to  
gaol;

How re-  
leased:

*County.*

#### THE STATE OF NEW-JERSEY,

To *one of the Constables of said county of* Form of  
execution.  
Whereas the persons named in the schedule or list hereto annexed, have by the court of appeals of their proper battalion, been duly sentenced for delinquency in military duty and equipments, to pay the fines to their names respectively subjoined. You are therefore commanded forthwith, of their several goods and chattels respectively within said county, to levy by distress and sale thereof, the fines set opposite their respective names with costs, and to

pay the same to the paymaster of the battalion, and for want of goods and chattels, you are commanded to take the bodies of the persons so deficient and commit them to the common gaol of said county, and the keeper thereof is hereby commanded to receive and safely keep the persons who shall be so committed, until they shall pay the same, or until discharged by order of the board of general and field officers, or otherwise by due course of law : and you are to make return of this execution, with your doings therein, unto the said battalion paymaster, within thirty days next coming, for which this shall be your sufficient warrant. Hereof fail not. Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord eighteen hundred and \_\_\_\_\_

*Justice of the Peace.*

**Battalion  
paymaster  
to keep  
record, and  
accounts to  
be settled  
by the  
board.**

SEC. 18. *And be it enacted*, That the battalion paymasters shall keep journals of all their proceedings, in the execution of the duties enjoined on them as battalion paymasters. They shall record in a book to be kept for that purpose, the amount of fines by them received, of whom and in what manner received, whether by voluntary payment or of the constables, of the fines not collected or recovered and the reason thereof, of monies paid, to whom and on whose order and for what purpose, and shall lay the same, with their vouchers and receipts, before the board of general and field officers, or a committee of said board for inspection and settlement.

**Paymasters  
how ap-  
pointed:**

SEC. 19. *And be it enacted*, That the general and field officers of their respective brigades, shall appoint one reputable freeholder within their brigade, to act as brigade paymaster to the same, and that the major or commanding officer of each battalion of infantry within this state, in conjunction with the captains of the several companies of their respective battalions and of the captains of artillery and cavalry, within the bounds of their respective battalions, shall appoint one reputable freeholder within the battalion,

to act as battalion paymaster to the same, for the collection and payment of fines ; which said brigade and battalion paymasters, before entering upon the duties of their office, shall severally give bond <sup>to give bond,</sup> with sufficient sureties, to be approved of, that of the brigade paymaster by the commandant of the brigade, and the bond of the battalion paymaster by the commandant of the regiment or independent battalion, the brigade paymaster in the sum of one thousand dollars, the battalion paymaster in the sum of two hundred dollars, payable to the state of New-Jersey, with condition for the faithful performance of the duties of their respective offices, and shall repair to the clerk of the county in which they reside, and subscribe and take the following oath or affirmation : <sup>and take oath ;</sup>

I appointed paymaster of the brigade (or battalion as the case may be) of militia, do swear (or affirm) that I will to the utmost of my knowledge and ability, honestly and faithfully perform the duties of the office of paymaster of the said brigade (or battalion) and that I will not on any pretence or occasion, apply any money, which shall come to my hands as paymaster thereof, to any private use or purpose : so help me God.

Which oath (or affirmation) the said clerk shall <sup>before and to be filed with the county clerk.</sup> administer and endorse on the said bond and file the same in his office to be prosecuted whenever the board of general and field officers shall direct. The said clerk shall give a certificate of the said bond and oath (or affirmation) having been taken and filed under the seal of the county, on the back of their warrants of appointment, which shall be taken and received as evidence of the authority of the said paymasters.

SEC. 20. *And be it enacted,* That the brigade paymaster shall receive and file all vouchers and returns, and keep proper and distinct accounts of the monies arising from the fines and forfeitures in the several regiments and battalions in the brigade <sup>Brigade paymaster's duty ;</sup>

to account which shall be paid and returned to him, and also  
to the board shall receive and file all returns, orders, vouchers  
of general and receipts, for all monies he may receive and pay  
& field officers, & pay out, conformably to the directions of this law, and  
balance to submit his books of accounts, returns, orders,  
treasurer; vouchers and receipts, to the inspection and ex-

displaced  
for mal-  
practice &  
prosecuted.

Battalion  
pay-masters  
to account  
in like man-  
ner, &c.

amination of the said general and field officers of  
the brigade who are hereby constituted a board,  
vested with full power and authority to examine,  
adjust and settle as well the accounts, of the said  
brigade-paymaster, as of the several battalion-pay-  
masters in the brigade; and ascertain and declare  
the balance unappropriated in his hands, and which  
the said brigade-paymaster shall pay forward to the  
treasurer of this state. The said balance to be cer-  
tified to the treasurer by the brigade judge-advocate,  
who shall be ex-officio, clerk of the said board, and  
with which sum so certified, the said treasurer shall  
charge the several brigades; and in case of mal-  
practice, embezzlement or default, the said board of  
general and field officers, are required to displace  
the said brigade-paymaster and appoint another in  
his room, which successor in office, is hereby au-  
thorized and empowered in the name of the state  
of New-Jersey, to prosecute the defaulter, his ex-  
ecutors or administrators for any sum or sums of  
money remaining in his hands belonging to the bri-  
gade, in any court where the same may be cogniza-  
ble, with costs of suit; and in case of mal-practice  
embezzlement or neglect of duty of the battalion  
paymasters, the said board of general and field offi-  
cers, are required to displace such battalion pay-  
master, and the brigade paymaster for the time being  
shall in like manner prosecute the said battalion  
paymasters, their executors or administrators, as  
well for the monies had, received, and collected as  
for such fines as they shall have incurred for neg-  
lect of duty.

SEC. 21. *And be it enacted*, That the board of  
general and field officers of the several brigades shall  
make such allowance and compensation to the brig-



ade paymaster, brigade judge-advocate and those <sup>Compensation to pay</sup> who shall act in the capacity of judge-advocate, and <sup>masters</sup> to the battalion paymasters, and to the teachers of <sup>judgeadvocate and</sup> music, and for music of their respective brigades, as they may deem just and reasonable, to be paid out <sup>music.</sup> of the fines of delinquents, by the brigade paymaster. And in case there shall be no money arising from such fines in the hands of the brigade paymaster, the said board of general and field officers shall draw their order on the treasurer of the state for any such deficiencies, and the said treasurer is hereby authorized to pay such orders out of any money which may have been paid by the brigade paymasters into the treasury : *Provided nevertheless*, that the whole allowances to be made by the board of general and field officers in one brigade, for the term of one year, shall not exceed one hundred dollars for each regiment in the same.

SEC. 22. *And be it enacted*, That the commander in chief and major-generals of this state, or any three <sup>Commander in chief</sup> of them, the commander in chief always to be one, <sup>and major</sup> shall compose a board of general officers, whose <sup>generals</sup> duty it shall be to lay before the legislature every year <sup>compose a</sup> at their annual meeting, the particular objects for <sup>board ;</sup> which they conceive military appropriations are, or in the course of the ensuing year may become necessary ; and the sum appropriated by law shall be subject to the orders of said board to be applied by them as the law may direct. The adjutant-general shall be secretary of said board of general officers, and <sup>their duty,</sup> shall keep a journal of all their proceedings and orders, subject to the inspection and examination of the Legislature on the first Tuesday of November in every year.

SEC. 23. *And be it enacted*, That the commander in chief be and is empowered to appoint a suitable <sup>Quarter</sup> person to the office of quarter-master-general, who <sup>master gen-</sup> shall perform the duties incident to that department, and shall receive compensation therefor upon exhibiting his accounts properly certified and allowed by the board of general officers : He shall have the

his rank: rank of lieutenant-colonel, and be commissioned accordingly.

**Overplus of delinquents money.** Sec. 24. *And be it enacted*, That if any money shall remain in the hands of any constable, after making sale of the property of a delinquent, and paying the fines and costs of such delinquent, such money shall be paid by the said constable to the said delinquent; but if he shall refuse to receive the same, then the constable shall pay the said money to the paymaster of the battalion to which such delinquent belongs, to and for the use of such delinquent.

**Fines of minors & apprentices.** Sec. 25. *And be it enacted*, That the fines and forfeitures imposed by this act on minors living with their parents, and others having the proper care or charge of them, and those of apprentices, shall be paid by their respective parents, guardians, masters or mistresses, or levied of their respective goods and chattels.

**Who deemed enrolled.** Sec. 26. *And be it enacted*, That every person liable by this act to do military duty, shall be deemed and adjudged to have notice of his being enrolled in the company of militia within the bounds of which he shall reside.

**Duty of adjutant general.** Sec. 27. *And be it enacted*, That it shall be the duty of the adjutant-general to distribute all orders from the commander in chief of the state to the several corps; to attend at public reviews, if required, when the commander in chief of the state shall review the militia or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be directed by the commander in chief, and to explain the principles on which they shall be made; to demand and receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and disci-

pline ; all which the several officers of the divisions, brigades, regiments and battalions; are hereby required to make in the manner herein directed, that the said adjutant-general may be duly furnished therewith previous to the annual meeting of the legislature ; from all which returns he shall make proper abstracts and lay the same with a report of the general state of the militia magazines and military stores, and also of such improvements as he may think necessary to advance the discipline and benefit of the militia before the commander in chief of the state, who is required to lay the same before the legislature. And the adjutant-general shall also annually make a return of all the militia of the state to the president of the United States. And it shall be the further and especial duty of the said adjutant-general to give information against and prosecute in behalf of the state, all brigadier generals who shall fail or neglect to review the several regiments and independent battalions in their respective brigades, agreeably to the directions of this act. He shall keep a book in which shall be recorded all orders, returns, names of commissioned officers throughout the state, and every proceeding relative to the details of the military force ordered by the commander in chief, upon requisitions of the president or congress of the United States, and in cases of invasion or other emergency. All certificates of election of officers shall be transmitted to him to be entered of record, before commissioned by the commander in chief. He shall deliver over to his successor all books and returns belonging to the office of adjutant-general. He shall be secretary to the board of general officers. The expense of blank returns and the postage of letters in his official capacity shall be settled and allowed by the board of general officers, and which with an annual salary of fifty dollars, shall be paid by the treasurer of the state, on a warrant of said board, certifying he has performed the services required of him as adjutant general.

D

Duty of  
brigade in-  
spector :

SEC. 28. *And be it enacted*, That it shall be the duty of the brigade inspector, to attend the regimental and independent battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements, to make returns annually to the adjutant general of the state, of the militia of the brigade to which he belongs, reporting therein particularly the name of the reviewing officer, of the actual situation of the arms, accoutrement, and ammunition of the several corps, and every other thing which in his judgment, may relate to their government and the general advancement of good order and military discipline. The said brigade inspector shall be entitled to receive thirty dollars, annually for his services ; and for refusing or neglecting the duties enjoined by this law, he shall be subject to the penalty of fifty dollars, to be recovered by the treasurer of the state, who shall also withhold his said salary of thirty dollars, until he shall have produced the acknowledgement of the adjutant-general that he has received said return. In case of the absence of the brigade inspector, the commanding officer, present at the inspection, shall appoint some person to perform the duties thereof.

a person to  
act in his  
absence.

Election of  
officers by  
warrant  
from brig-  
adier gen-  
eral to the  
major, who  
shall certify  
and send to  
theadjutant  
general,  
who shall  
transmit  
the com-  
missions to  
the brig-  
adier gen-  
eral.

SEC. 29. *And be it enacted*, That every captain, lieutenant or ensign and cornet, who shall from time to time, be chosen by the several companies or troops shall report his acceptance of the office, within ten days after having received notice thereof, to the major or commanding officer of the battalion ; and in case such report is not made as aforesaid, the said office shall be deemed as vacant. And the resignation of every captain, lieutenant, ensign and cornet, shall be delivered to the brigadier general or commanding officer of the brigade in which the said company or troop is formed ; and where vacancies shall happen in any company or troop, by the death, removal, or resignation of a captain, lieutenant, ensign or cornet, it shall be lawful for the commanding officer of the brigade, by warrant under his hand

and seal, directed to the major or commanding officer of the battalion or squadron to which such company or troop belongs, to hold an election within the limits of such company or troop, to supply the vacancy occasioned by the non acceptance, resignation, removal, death, or otherwise, of any such officer; and thereupon the said major or commanding officer of the said battalion or squadron shall give ten days notice, by advertisement in three of the most public places within the limits of such company, of an election to supply the place of the officer or officers of the company or troop which may be vacant; and the said company or troop, or such of them as may attend, shall proceed by plurality of votes, to choose such officer or officers residing within the bounds of the said company or troop; and the said major or commanding officer of the said battalion or squadron, shall certify, under his hand and seal, annexed to or endorsed on the warrant aforesaid, the name and rank of each officer so chosen or elected, addressed to the commander in chief of the state, and shall transmit the same to the adjutant general, who after entering the names and rank of the persons so elected in the books of his office, shall lay the same before the commander in chief to be commissioned, and thereupon the adjutant-general shall transmit all commissions to the brigadier-general, or officer who issued the warrant of election. The sum of two dollars shall be paid by the battalion paymasters to the commandant of the battalion for advertising and holding every election. No candidate or any other person shall give any spirituous liquors or treat to any officers or privates, on any day of election of officers, under the penalty of twenty dollars, to be prosecuted for and recovered by the battalion paymaster, and by him paid to the brigade-paymaster.

SEC. 30. *And be it enacted*, That if any commissioned officer shall remove out of the bounds of his proper division, brigade, regiment, battalion, squadron, troop or company, or shall be absent therefrom,

Removal  
of officers,

more than six months, his office shall be thereby vacated.

Officers<sup>1</sup>  
must uni-  
form in  
three  
months.

SEC. 31. *And be it enacted*, That the uniform to be worn by the several officers of the militia of this state, shall be conformable to the general orders printed and attached to this law; and it shall be the duty of every officer within three months after receiving his commission, to appear upon all training days, in full and complete uniform, agreeably to general orders, and also either with a sword, hanger or esponton: and if any officer shall come upon parade for exercise, not being so equipped, he shall incur the same fine as is directed by this act for non-appearance, and also shall not be suffered to do duty on that day.

Music to  
be instruct-  
ed.

SEC. 32. *And be it enacted*, That one drum and one fife-major and one trumpeter, may be employed by the board of general and field officers of each brigade to instruct and exercise the drummers, fifers and trumpeters of each company or troop in the necessary military music, at such times and under such regulations as the said board may direct, not exceeding twelve days in the year, and shall for such services be paid the sum of two dollars per day each; and the said drummers, fifers and trumpeters shall each be paid seventy-five cents per day for the time they shall attend to such instruction.

Father ex-  
cused if son  
learns mu-  
sic.

SEC. 33. *And be it enacted*, That if any youth of the age of twelve years and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife or blow the trumpet, provided the number shall not exceed one person for the drum and one for the fife in each company, and one for the trumpet in each troop of horse, every such person or persons shall be put under the instructions of the drum or fife-major, or trumpeter as the case may be, whose duty it shall be to teach such person or persons to perform field duty, to the satisfaction of the commanding officer of the bri-

gade; and the father of every youth who shall have been instructed as aforesaid, shall be excused from every kind of military duty, so long as his son shall continue to perform the duties of a drummer, fifer or trumpeter in any militia company or troop, and be under the age of eighteen years.

SEC. 34. *And be it enacted*, That it shall and may be lawful for the captains or commanding officers of the several companies of cavalry, artillery, light infantry and grenadiers, to enroll in their respective companies from the several companies composing the regiment or battalion to which they may belong, such men as may from time to time be necessary to complete their respective companies; and a certificate from the said captain or commanding officer, shall exonerate the bearer from serving or paying any fine thereafter imposed on him by the officers of the company to which he formerly belonged, any law, usage or custom to the contrary notwithstanding: *Provided always*, That it shall not be lawful for the captain or commanding officer of the cavalry, artillery or other uniform company, to grant a certificate to any person prior to his appearing in uniform agreeably to law.

Artillery, cavalry and light infantry enrolled if they uniform.

SEC. 35. *And be it enacted*, That no officer or private shall on the way to or from the place of any review, regimental or company training to which he shall belong, pay more than one third of the usual rate of ferriage, or be charged any toll for passing any toll-bridge or turnpike gate; and if any ferryman or keeper of any toll-bridge or turnpike-gate, shall refuse a passage, or make a demand contrary to the directions of this act, he shall for each offence forfeit and pay the sum of eight dollars, to be recovered by any person who will sue for the same, one half to the prosecutor and the other half to the paymaster, for the use of the battalion where such demand or refusal is made, any law, usage or custom to the contrary notwithstanding.

Toll free on training days.

SEC. 36. *And be it enacted*, That no commissioned officer, non-commissioned officer or private shall be arrested on any civil process on any day appoint-

Free from arrest.

ed by law for exercise or training, nor shall any arms or accoutrements of a militia-man be levied on or sold by virtue of any execution.

May plead  
this act.

SEC. 37. *And be it enacted*, That if any suit shall be brought or commenced against any person, for any thing done in pursuance of this act, the *venue* shall be laid in the county where the cause of action arose ; and the defendant in such action may plead the general issue, and give this act and the special matter in evidence.

Militia  
when or-  
dered out,

SEC. 38. *And be it enacted*, That the commander in chief of this state, for the time being, may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of this state, to march to any part thereof, and continue as long as he may think it necessary, not exceeding two months.

into actual  
service,

SEC. 39. *And be it enacted*, That when a part of the militia shall be called into actual service, it shall be the duty of the captain or commanding officer to divide his troop or company into as many classes as there shall be men required of him, and by lot, enlistment or draft, to detach one man from each class; and such draft or detachment shall be officered with such officer or officers, and of such grades as shall be proper, agreeably to military discipline ; the tour of duty of which commissioned officers, shall be determined by a roaster to be kept by the adjutant for that purpose : *And further*, That no non-commissioned officer or private shall, (after the making of the first draft) be liable to perform actual service, until it shall become his proper tour agreeably to a roaster of the company, to be kept by the commanding officer of the same ; and that no draft or detachment shall be continued in service, more than two months at any one time, and if necessary, they shall be relieved by a detachment to be made in the manner aforesaid ; which relief shall arrive at least two days before the expiration of the term of the detachment to be relieved ; but nothing herein contained shall prevent the commander in chief from

tour by  
roaster ;

drafts

relieved in  
two  
months.



calling into service the whole or any part of the militia, when the exigencies of the state, shall in his opinion require it: *And further*, That the pay of the militia in actual service, shall commence two days before marching, and that they shall receive pay and rations at the rate of fifteen miles per day, on their return home; and in requisitions by the President or Congress of the United States, the like mode shall be pursued in drafting and turning out the quota of this state.

Pay and  
rations.

Requisi-  
tions.

SEC. 40. *And be it enacted*, That it shall and may be lawful for any person called to do a tour of duty, to find a substitute, who if approved of by the captain or commanding officer of the company, may serve in the place of such person.

Substitutes.

SEC. 41. *And be it enacted*, That when any draft or drafts of the militia shall be called to perform any tour of duty, the majors of the battalions shall cause each and every person so called, to be notified of such call, by a written or printed notice being delivered to him personally, or left at his house or usual place of abode, by some officer or other suitable person employed for that purpose by the commanding officer of the said company, at least three days before the time of assembling said militia, unless the commander in chief, on a sudden exigency, shall think proper to order any part of the militia into immediate and actual service, and then the notice mentioning such special order, shall be given for immediate attendance; and any person refusing or neglecting to perform such tour of duty, or to procure a substitute, shall pay a fine not exceeding fifty dollars, for every such neglect or refusal; which fines as aforesaid shall be paid to the captain or commanding officer of the company to which such delinquent belongs, and be by him appropriated, under the direction of the commandant of the battalion to which the said company belongs, for the purpose of hiring substitutes to supply the place of the delinquents belonging to the said company; and in case of a surplusage of money arising from such fines, it shall

Drafts to be  
noticed

to attend,

procure  
substitutes,

or fined.

be paid to the paymaster of the battalion. And every non-commissioned officer, whilst engaged in warning the company to which he belongs, under the orders of the commanding officer of the company, shall receive one dollar per day, for the time he may be necessarily engaged in such duty.

Horses appraised.

SEC. 42. *And be it enacted*, That the brigade-inspector shall call to his assistance two reputable freeholders, above forty-five years of age, who shall appraise on oath or affirmation, the horse of each person serving as a light-horse-man, immediately before the time of going into actual service, and describe the age, size, colour and marks of the said horse, and enter the same in a book kept for that purpose; and in case such horse shall be killed or be taken by the enemy, the owner of such horse or his lawful representative, shall be paid the full value of said horse according to the said appraisement, by an order to be drawn on the certificate of the inspector, by the brigadier-general or commanding officer of the brigade, on the treasurer of this state, provided such claim be made in one year after the loss so sustained.

Rations for detachments.

SEC. 43. *And be it enacted*, That the quartermaster who shall furnish rations or ammunition for detachments of militia which may be ordered into the service of this state, shall lay his account therefor, accompanied with the receipts of the officer commanding such detachment, that such ammunition and rations have been furnished, before the commanding officer of the regiment or independent battalion, for his approbation; and if he shall approve and sign the same, the governor, if he also approve thereof, shall issue his warrant on the treasurer, to be paid out of any money in the treasury not otherwise appropriated.

Carrying orders paid for,

SEC. 44. *And be it enacted*, That the commanding officer of divisions, brigades, regiments and battalions; the adjutant-general, brigade-inspector and adjutants, shall be entitled to a person to carry their orders, when the necessity of the case shall require

it; for which a reasonable compensation shall be allowed by the board of general officers.

SEC. 45. *And be it enacted*, That the commander in chief shall appoint general courts martial for the trial of all officers above the rank of field officers; that the major-generals each in his own division; shall appoint general courts martial for the trial of all field officers; that the brigadier-generals, each in his own brigade, shall appoint general courts-martial for the trial of captains and all commissioned officers under that rank; and that the commanders of regiments and independent battalions, shall institute regimental courts-martial within their respective regiments and independent battalions, as often as it shall be found necessary; and that it shall be the duty of every officer who shall appoint a court-martial as aforesaid, to approve or disapprove of the sentence or sentences of such courts-martial by them appointed, or to mitigate the punishment or pardon the person convicted.

Courts  
martial,  
how ap-  
pointed.

SEC. 46. *And be it enacted*, That any officer to be tried by a court-martial, shall have fifteen days notice of the time and place appointed for trial, and a copy of the charges exhibited against him, and shall be put under arrest, so far as to be suspended from the exercise of his office; and in case any officer for the trial of whom a court-martial shall be appointed, shall neglect to appear and make defence, the court shall be authorized to proceed in his absence, and if found guilty of the charges shall be sentenced accordingly.

Officer or-  
dered to  
have 15  
days notice  
of trial.

SEC. 47. *And be it enacted*, That all persons shall be holden bound to appear and give evidence before any court martial, or court of appeals, on oath or affirmation to be administered by said courts, that the evidence they shall give in the cause in hearing shall be the truth, the whole truth, and nothing but the truth, under the same penalties as are by law provided for witnesses in other cases, when thereto summoned by the brigade judge-advocate, or by any justice of the peace, who is hereby authorized

Witnesses  
same penal-  
ties as by  
law.

and enjoined, when called upon, to summon such witnesses in the county to which he shall belong, and for which no fee shall be required.

Members  
of the  
court,

SEC. 48. *And be it enacted*, That every regimental court-martial, shall be composed of five members, all commissioned officers, the president whereof shall not be under the rank of a captain ; that general courts-martial shall consist of thirteen commissioned officers, not under the rank of a captain ; the senior officer shall be president, not less than two thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted. That before the trial of any cause, the judge advocate shall administer to the president and each of the members the following oath or affirmation, to wit :

their oath,

You do swear (or affirm) that you will well and truly try and determine according to evidence the cause now before you between the state of New-Jersey, and the person (if more than one persons) to be tried ; and you further swear that you will not divulge the sentence of this court-martial until it shall be approved or disapproved of, and that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law : so help you God.

And the president shall administer to the judge-advocate the following oath or affirmation to wit :

of judge  
advocate.

You do swear (or affirm) that you will not on any account, at any time whatever, divulge the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law, and that you will not disclose the sentence of this court martial, until it shall have been approved or disapproved of, by the officer who appointed the same : so help you God.

Sec. 49. *And be it enacted*, That if any commissioned officer, at any review, or on any other occasion, when paraded in arms or on duty, shall misbehave or demean himself in an unofficer-like manner, he shall, for such offence be cashiered or punished by fine, at the discretion of a general court-martial, as the case may require, in any sum not exceeding fifty dollars; and if any non-commissioned officer or private, shall, on any occasion, of parading the company to which he belongs, appear drunk, or shall disobey orders, or use any reproachful or abusive language to his officers or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined at the discretion of a regimental court martial, in any sum not exceeding eight dollars.

Sec. 50. *And be it enacted*, That if the commanding officer of any regiment, battalion or squadron, shall neglect or refuse to give orders for assembling his regiment, battalion or squadron, at the time appointed by the commandant of the brigade to which he belongs, or in case of an invasion of the city or county to which such regiment, battalion or squadron belongs, he shall be cashiered and punished by fine not exceeding one hundred dollars, at the discretion of a general court-martial; and if a commissioned officer of any company or troop, shall on any occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the commanding officer of the regiment battalion or squadron, to which such company or troop belongs, he shall be cashiered or punished by fine not exceeding one hundred dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case shall be fined at the discretion of a regimental court martial, in any sum not exceeding thirty dollars.

Sec. 51. *And be it enacted*, That if any captain or commanding officer of a company or troop, shall

**Refusing to make out list.** refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the commanding officer of the regiment battalion or squadron, to which such company or troop may belong; for such neglect or refusal he shall be cashiered or fined at the discretion of a regimental court-martial, in any sum not exceeding one hundred dollars.

**Desertion.** SEC. 52. *And be it enacted,* That if any militia man shall desert while he is on a tour of duty, he shall be fined in any sum not exceeding one hundred dollars for every such offence, or may be imprisoned for any term not exceeding two months, at the discretion of a court martial; and if a non-commissioned officer he shall also be degraded and placed in the ranks.

**No loaded gun to be brought on parade.** SEC. 53. *And be it enacted,* That it shall not be lawful for any non-commissioned officer or private to come on parade with a loaded or charged musket, gun, rifle, fusce or pistol, nor to discharge any fire arms within one mile of the place of parade, on any day that they shall be ordered out for improvement or inspection, without an order or permission of a commissioned officer; and if any such non-commissioned officer or private shall so load or charge, or fire or discharge any fire arm, without such order or permission, he shall forfeit one dollar for every offence; and the clerk of the company is hereby directed to read this section immediately after calling the roll of the company, and the commissioned officers are hereby enjoined to cause the names of those persons who shall offend, to be returned to the regimental court-martial.

**Clerk to read this section.**

**Military discipline from rising of the sun, &c.**

SEC. 54. *And be it enacted,* That the militia of this state shall be considered to be under military discipline from the rising until the setting of the sun of the same day, that they shall be ordered out for improvement or inspection, and that no officer, non-commissioned officer or private belonging to the same, during the time aforesaid shall be subject to be arrested on any civil process.

SEC. 55. *And be it enacted*, That the militia on <sup>Three</sup> the days of exercise, may be detained under arms, <sup>hours un-</sup> on duty in the field, any time not exceeding six <sup>der arms.</sup> hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

SEC. 56. *And be it enacted*, That any person who shall bring any kind of spirituous liquors to the place <sup>Liquors</sup> of exercise, or within one mile thereof, for the <sup>forfeited.</sup> purpose of retailing shall forfeit such liquors, for the use of the poor, belonging to the city or township where such exercise is had; and the commanding officer of the regiment, battalion or company, is charged with the execution of this article.

SEC. 57. *And be it enacted*, That the rules of <sup>Baron Steu-</sup> discipline approved and established by congress, in <sup>ben's exer-</sup> their resolution of the twenty-ninth day of March, <sup>cise,</sup> one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules, as may be rendered necessary by the requisitions of the acts of congress, or some other unavoidable circumstances. It shall be the duty of the commanding officer, at every training, whether by regiment battalion or single company, to cause the militia to be exercised and trained, agreeably to the said rules of discipline; and the instructions laid down by the Baron Steuben and annexed to the said rules of discipline pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated in this act at length.

SEC. 58. *And be it enacted*, That every officer who shall attend on courts-martial, shall be entitled <sup>Members</sup> to receive from the paymaster of the battalion in <sup>of courts</sup> which the offender resides, the sum of one dol- <sup>two dollars.</sup> lar and fifty cents each, for every day they shall respectively attend; and all persons attending before <sup>Witnesses</sup> said courts, or either of them, as witnesses, shall be <sup>fifty cents.</sup>

entitled to receive from the said paymaster, fifty cents, each, per day, provided that no more than two witnesses on the part of the state, and two witnesses on the part of the offender, shall be entitled to pay: all which sums shall be paid by the said paymaster on certificates signed by the judge-advocate of the court martial.

Bye-stand-  
ers fined for  
misbehav-  
ior.

SEC. 59. *And be it enacted*, That if any bye-stander shall interrupt, molest or insult, by abusive words or behavior, any officer or soldier, while on duty at any training or muster, he shall be immediately put under guard, and kept, at the discretion of the commandant of the regiment, battalion, squadron, company or corps, until the setting of the sun of the same day, on which such offence shall be committed, or if any bye-stander shall be guilty of any like conduct before a court-martial, he shall be fined in any sum not exceeding twenty dollars, with cost of prosecution, to be recovered before any justice of the peace, by the battalion paymaster, who shall sue for and pay the same to the brigade paymaster.

Fines col-  
lected by  
battalion  
paymasters.

SEC. 60. *And be it enacted*, That all fines imposed at any court-martial, shall be certified and returned by the judge-advocate to the brigade paymaster, and also to the paymaster of the battalion in which the person on whom such fine shall be imposed may belong, to be by the said battalion paymaster collected in like manner as fines assessed by the court of appeals are to be recovered and paid to the paymaster of the brigade.

General or-  
ders to be  
published  
with this  
law.

SEC. 61. *And be it enacted*, That two thousand copies of this act, together with the general orders of governor Paterson, of the twenty-ninth day of January, seven hundred and ninety-two; of governor Howell, on the tenth day of June, and of gen. Doughty, on the sixth day of July, seventeen hundred and ninety-three, and of governor Bloomfield, on the twelfth day of March, eighteen hundred and four, respecting the uniform and dress, of the militia of this state, and also the laws of the United States, which provide for the national de-



fence, shall be printed and distributed under the direction of the commander in chief, by the adjutant general, to the several officers of the militia; and it shall be the duty of any officer, having such copy or copies on his going out of office, to deliver, or, in case of death, his executors or administrators shall deliver under the penalty of five dollars, to the successor in office, who shall prosecute for the same of the person so going out of office or dying, the aforesaid copy or copies.

SEC. 62. *And be it enacted*, That the act entitled *Repeal of* "An act for the regulation of the militia of New-<sup>former</sup> Jersey," passed the thirteenth day of June, seven-<sup>acts.</sup> teen hundred and ninety-nine, and the supplement thereto, passed the first day of March, eighteen hundred and four, shall be and the same are hereby repealed, and made null and void: *Provided always*, That nothing herein contained shall be construed so as to revive any former law or laws, which in and by the said recited acts is or are repealed and made void, or to prevent the recovery of any fines or forfeitures, incurred under the same, or any of them.

A. Passed at Trenton March 11, 1806.

## CHAP. CLXXXVIII.

An act to incorporate the Newark and Mount-Pleasant Turnpike Company.

SEC. 1. **BE IT ENACTED** *by the council and general assembly of this state; and it is hereby enacted by the authority of the same*, That Joseph T. Baldwin, Nathaniel Beach, Isaac Pierson, Hiram Smith and Joseph Jackson, be authorized to <sup>Commons-  
Moners to  
receive sub-  
scriptions.</sup> receive subscriptions for erecting a turnpike road,